

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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JOHN SMITH,

Civil No. 13-3277 (JRT/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

UNITED STATES OF AMERICA, et al,

Defendants.

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John Smith, 14029-059, FCI Otisville, P.O. Box 444, 2 Mile Drive,  
Otisville, NY 10963, *pro se* plaintiff,

Chad A. Blumenfield, Assistant United States Attorney, **UNITED  
STATES ATTORNEY'S OFFICE**, 300 South Fourth Street, Suite 600,  
Minneapolis, MN 55415, for defendants.

Based upon the Report and Recommendation of United States Magistrate Judge  
Leo I. Brisbois, and after an independent review of the files, records and proceedings in  
the above-entitled matter, **IT IS HEREBY ORDERED:**

1. The Federal Defendants' Motion to Dismiss or, in the alternative, for Summary  
Judgment, [Docket No. 60], is **GRANTED**.

2. Defendant Thomas Mayer's Motion for Summary Judgment and/or Statutory  
Dismissal Pursuant to Minn. Stat. § 145.682, [Docket No. 72] is **GRANTED**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: January 21, 2015  
at Minneapolis, Minnesota

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge